3 4 5 6 7	Ronald S. Kravitz, Esq. (SBN: 129704) rkravitz@linerlaw.com Matthew Borden, Esq. (SBN: 214323) mborden@linerlaw.com LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP 199 Fremont Street, 20th Floor San Francisco, CA 94105-2255 Telephone: (415) 489-7700 Facsimile: (415) 489-7701 Attorneys for Plaintiffs and Counterdefendants Mai Christina Pham, John Pham, Mai Nguyen, Hu Nguyen, Joyce Freeman, and Christopher Hake	ing Perry		
8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10	SAN JOSE DIVISION			
11	In re) Case No. C 08-00201 JW		
12 13	COMUNITY LENDING, INCORPORATED, a California corporation,) Chapter 11		
14	Debtor.	Honorable James WareBankruptcy Case No. 08-50030 (MM)		
15	· · · · · · · · · · · · · · · · · ·)		
16 17 18	MAI CHRISTINA PHAM, JOHN PHAM, MAI NGUYEN, HUNG PERRY NGUYEN, and JOYCE FREEMAN, Plaintiffs,	Adv. Proc. No. 08-05006 DECLARATION OF JOYCE FREEMAN IN SUPPORT OF PLAINTIFFS' AND COUNTERDEFENDANTS' MOTION FOR SUMMARY JUDGMENT Date: September 22, 2008 Time: 9:00 a.m. Courtroom: 8, 4th Floor		
19 20	COMUNITY LENDING, INCORPORATED, a California corporation, and Does 1 through 10, inclusive,			
2122	Defendants.)))		
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_0		Case No. C 08-00201 JW		
	DECLARATION OF JOYCE FREEMAN ISO MOTION FOR SUMMARY JUDGMENT 0036012/001/ 37840v01			

1	I, Joyce Freeman, declare:			
2	1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated			
3	below, and if called as a witness, I could and would testify competently thereto.			
4	2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and			
5	former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").			
6	3. My Plan benefits are comprised entirely of salary that I earned and then deferred and			
7	the interest thereon.			
8	4. When the Plan terminated, my account had an aggregate balance of \$407,893.68.			
9	5. By no later than September 17, 2007, IBT, the Plan's trustee, had distributed my			
10	Plan benefits directly to the Company instead of to me. The Company has refused to return my			
11	Plan benefit	ts.		
12				
13	I swear under penalty of perjury under the laws of the United States and California that the			
14	foregoing is true.			
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16	Date	ed this 11th of June, 2008	/s/	
17			Joyce Freeman	
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		DECLARATION OF JOYCE FREEMAN ISO MOTIO	Case No. C 08-00201 JW ON FOR SUMMARY JUDGMENT	

	I, Joyce Freeman, declare:		
	1. I am one of the plaintiffs in this case. I have personal knowledge of the facts stated		
;	below, and if called as a witness, I could and would testify competently thereto.		
•	2. I am a former employee of Defendant ComUnity Lending, Inc. ("Defendant") and		
. :	former member of Defendant's Non-Qualified Deferred Compensation Plan ("Plan").		
(3. My Plan benefits are comprised entirely of salary that I earned and then deferred and		
7	the interest thereon.		
8	4. When the Plan terminated, my account had an aggregate balance of \$407,893.68.		
9			
10	Plan benefits directly to the Company instead of to me. The Company has refused to return my		
11	Plan benefits.		
12			
13	I swear under penalty of perjury under the laws of the United States and California that the		
14	foregoing is true.		
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16	Dated this // of June, 2008 Pupe (Melling)		
17	Joyce Freeman		
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	DECLARATION OF JOYCE FREEMAN ISO MOTION FOR SUMMARY JUDGMENT 1036012/001/ 37840v01		